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BILL NUMBER: AB 241 CHAPTERED **BILL TEXT**

An act to amend Section 25160.1 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, Cunneen. Hazardous waste codes.

(1) Existing law required the Department of Toxic Substances Control to revise, on or before December 31, 1998, the hazardous waste code identification system established in specified regulations so as to meet certain requirements, including requiring hazardous wastes regulated under the federal Resources Conservation and Recovery Act of 1976 (RCRA) to be identified by the RCRA hazardous waste code section, requiring hazardous wastes that are identified pursuant to the RCRA hazardous waste identification criteria, but that are not regulated under RCRA, to be identified by the RCRA code, and requiring non-RCRA hazardous waste to be identified by an identification code system consistent with the RCRA hazardous waste code system.

This bill would delete the requirement that the revised code identification system require hazardous wastes that are identified pursuant to the RCRA hazardous waste identification criteria, but that are not regulated under RCRA, to be identified by a RCRA code, and would instead prohibit the revised code system from requiring non-RCRA hazardous wastes to be identified by a RCRA hazardous waste code. The bill would also delete obsolete provisions regarding the procedures for the revision of those regulations.

(2) Existing law requires the department to allow for a reasonable transition period, not to exceed one year, for the public to comply with the revised hazardous waste code system. Existing law also requires the department to adopt a specified regulatory procedure for the amendment of specified permits, registrations, licenses, and certifications.

This bill would instead require the department to determine an operative date for the regulations establishing the revised system, which would be required to be set at a date no later than 3 years after the date the regulations are adopted and would allow the department to extend the operative date for up to an additional 2 years. The bill would require the regulatory procedure to apply to facilities on the operative date of the revised hazardous waste code system.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25160.1 of the Health and Safety Code is amended to read:

25160.1. (a) The department shall revise the hazardous waste code identification system established in Appendix XII of Chapter 11 (commencing with Section 66261.1) of Division 4.5 of Title 22 of the California Code of Regulations. The revised hazardous waste code identification system shall meet the requirements of subdivision (b).

(b) The revised hazardous waste code identification system adopted pursuant to subdivision (a) shall meet all of the following requirements:

(1) RCRA hazardous wastes shall be identified by the same hazardous waste code identification designations that are given to

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those hazardous wastes by the RCRA hazardous waste code system adopted pursuant to the federal act.

(2) Non-RCRA hazardous wastes shall be identified by hazardous waste code identification designations that are consistent with the federal waste code identification designations and shall be based on the criteria that causes the waste to be regulated as a hazardous waste in this state. The identification code system shall not require the hazardous wastes subject to this paragraph to be identified by a RCRA hazardous waste code identification.

(3) Notwithstanding the requirements of paragraphs (1) and (2), the department may propose and adopt additional modifications to the hazardous waste code identification system if the department determines that those additional modifications are necessary and essential to provide any one of the following:

(A) Significant benefit to the protection of human health or the environment.

(B) Significant benefit to compliance and enforcement activities.

(C) Significant additional assurance that hazardous wastes are properly managed.

(c) To facilitate implementation of the revised hazardous waste code identification system adopted pursuant to this section, the department shall do all of the following:

(1) Determine an operative date for the regulations establishing the revised hazardous waste code identification system in order to allow for a reasonable transition period, which shall not exceed three years after the date the revised waste code regulations are adopted. If the department determines, prior to the end of that three-year period, that additional time is necessary for the new waste code system to become operative, the department may revise the regulations to extend the transition period and the operative date for up to an additional two years.

(2) Adopt a regulatory procedure for the amendment of existing permits, registrations, licenses, certifications, and other authorizations that have been issued by the department to allow the revised hazardous waste code identification system to be used by facilities with existing authorizations that refer to, or incorporate, the old hazardous waste code identification system, subject to all of the following limitations:

(A) The regulatory procedure will not change the type or amount of hazardous waste that persons are authorized to treat, store, transfer, dispose of, or otherwise handle in accordance with this chapter.

(B) To the extent consistent with the federal act, the regulatory procedure will not require individual modification to individual facility permits, registrations, licenses, certifications, or other authorizations solely for the purpose of reflecting the revised hazardous waste code identification system.

(C) The regulatory procedure for the amendment of existing permits, registrations, licenses, certifications, or other authorizations shall apply to all applicable facilities on the operative date of the revised hazardous waste code identification system, as determined by the department pursuant to paragraph (1) of subdivision (c).

(3) Conduct a public education, outreach, and notification program to ensure that users of the hazardous waste code identification system are reasonably notified of and understand the changes made to the system pursuant to this section.